

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GEORGE JARVIS AUSTIN,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

Case No: 21-cv-03108-SBA

**ORDER CONTINUING INITIAL
CASE MANAGEMENT
CONFERENCE AND DENYING AS
MOOT PLAINTIFF'S MOTION
FOR A CONTINUANCE**

Dkt. 15

Plaintiff George Jarvis Austin ("Plaintiff"), proceeding pro se, filed the instant action against Defendant United States Postal Service ("Defendant") on April 27, 2021. Dkt. 1. Plaintiff has not yet effectuated service on Defendant.


Pursuant to Federal Rule of Civil Procedure 4(m), service of process must be effectuated within 90 days after the filing of the complaint. See also Fed. R. Civ. P. 4(c)(1) ("A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) . . ."). Failure to timely effectuate service may result in dismissal of the action without prejudice. Fed. R. Civ. P. 4(m). The United States or an agency thereof must respond to a complaint within 60 days after receiving service. Fed. R. Civ. P. 12(a)(2).

The Initial Case Management Conference is currently scheduled for August 4, 2021. Given that Defendant has not yet been served, appeared, or responded to the complaint, IT IS HEREBY ORDERED THAT the Initial Case Management Conference is CONTINUED to October 21, 2021 at 2:30 p.m. At least seven (7) calendar days prior to the conference, the parties shall meet and confer and file a Joint Case Management Statement in accordance with Civil Local Rule 16-9.

1 Plaintiff's motion for a continuance (of unspecified length) of the Initial Case
2 Management Conference on the ground that he has other deadlines and responsibilities on
3 or about August 4, 2021, Dkt. 15, is DENIED as moot.

4 IT IS SO ORDERED.

5 Dated: 6/10/2021


6 SAUNDRA BROWN ARMSTRONG
7 Senior United States District Judge
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